

**Washington County Land Use Authority Work Meeting
August 25, 2009**

The Washington County Land Use Authority Work Meeting was held on Tuesday, August 25, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present Joann Balen, Dave Everett, Julie Cropper, Doug Wilson, Kim Ford and Rick Jones. Also present were Planning & Zoning Administrator Deon Goheen, Deputy Attorney Rachelle Ehlert, Kurt Gardner, Building Official, Senior Planner John Willie, and Todd Edwards, County Engineer.

Excused: Debra Christopher

Audience attendance: Susan Crook, Cimarron Chacon, D. J. Morissette, Danny Christensen, Jerald McLall, Miles McLall, and Diane Tracy

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. SPECIAL MEETING: STAFF COMMENTS. Review staff comments for each item listed below. Staff initiated.

Item #2. CONDITIONAL USE PERMIT EXTENSION. Review extension to expand the Washington County Solid Waste facility off Hwy. 18 in Central. Creamer & Noble Engineering/Steve Layton, agent

The planner explained that this is an automatic annual review and the project was completed in January 2009. As previously reviewed, the new facility has a concrete transfer structure with approximately 44 dumpster bins, gate house, septic system, detention basin and a secure locked area to park road grading equipment. The septic permit has been issued by the Southwest Utah Public Health Department according to Robert Beers, representative. The culinary water is provided by Dixie Deer Special Service District and UDOT approved ingress and egress. This is basically a housekeeping item, whereas the time schedule was approved several months ago. The planner suggested that the commissioners may want to recommend approval of the facility on a permanent basis.

The applicant was not in attendance, but after a brief discussion it was determined that there was no reason to delay final approval on this item.

Motion was made by Commissioner Cropper to recommend approval for a Conditional Use Permit Extension to expand the Washington County Solid Waste facility off Hwy. 18 in Central, with a permanent status. Commissioner Wilson seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item #3. CONDITIONAL USE PERMIT. Request permission for endurance mountain bike racing, "Frog Hollow Event," on Branham Ranch Road, generally located 5 miles southeast of Hurricane off Hwy 59, October 31, 2009, within the County unincorporated areas. GRO-Promotions, LLC/Cimarron Chacon, applicant

The planner explained that this event is sponsored by GRO-Promotions for endurance mountain bike racing and will host both a 24 hour (24) and six (6) hour race on a thirteen (13) mile course. The camp opens on Thursday at 4:00 pm and practice will take place on Friday, with actual race being scheduled for Saturday, October 31, 2009. The race will begin at 10:00 am on Saturday and end at 10:00 am on Sunday. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application. The applicant will need a liability insurance policy in place, listing Washington County as a beneficiary. They are expecting one hundred (100) 24-Hour Event Teams and a total number of four hundred (400) people to host. Porta Potties will be based on the numbers in attendance. The applicant is in the process of meeting the criteria of SITLA and BLM for this activity. The sheriff's office is working with the applicant to provide deputy services for the event and cell phones will allow for communication to emergency response, with Hurricane as the provider.

The planner explained that a letters from the Hurricane City Mayor, the Washington County Sheriff's Office and the St. George Convention and Tourism Office expressing support for the event were submitted. There were also letters of opposition received by the Land Use Authority Office.

Cimmaron Chacon, applicant, said that the area already sees a lot of camping impact, and is in a slight canyon with very little grazing, if any. The area proposed for camping is on State Land, and will have boundary tape to keep the area defined. The road is wide and can easily be divided, using barricades so that a travel lane can be maintained. The concern for the event organizers is that the event is scheduled for Halloween night, and they don't want the participants put in danger by someone trying to have a party in the area. There will be an attendant at a station at the major turnoff to allow legitimate drivers access to the area but keep others out. The race is limited to one 24-hour period of time, to avoid major inconvenience to local farmers or residents.

The terrain varies from rolling, gentle and wooded to an open area that is most rocky to give athletes a challenge. The trail will be specially designed and built by hand, with no heavy equipment for minimal impact on the land. The points of road closure will be advertised, with signs including "Event in Progress" signs to hopefully slow down the motorists. The participants will have powerful LED lights on the handlebars and/or on their heads for the night portion of the race. The areas of trail that are fenced and gated have a rollover installed, that acts as a cattle guard, keeping the livestock in but allowing the runners access to the trail. The applicant has also received permission to add two (2) more rollovers to eliminate having to open gates. There isn't enough room for visitor (spectator) parking, only for participants. There is excellent cell phone coverage and there will also be 3-way radio communication. The location was changed so that there won't be a problem with dust control.

There was a brief discussion regarding the importance of an insurance policy listing Washington County as a beneficiary. The applicant agreed to provide this. Also, the applicant is working with SITLA and the BLM to get all the necessary permits and approvals.

D. J. Morisette said that she has worked with the applicant and confirmed that does a very good job, being very thorough, and doing all work by hand to protect the environment.

Susan Crook, landscape architect and race sponsor, also vouched for the applicant's careful consideration of environment and safety of participants.

Cimmaron Chacon said that she has permits from the State, and the area has been cleared of any archeological concerns. A BLM permit cannot be obtained until the Conditional Use Permit has been approved.

Findings/Facts:

- From County Code 10-18-6.1.A: The use complies with all applicable provisions of Washington County ordinances, state and federal law
- From County Code 10-18-6-1.B: The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity
- Camping is permitted and the intended area is already impacted by camping
- Sanitary issue has been adequately presented and taken care of
- Agreements with law enforcement of Hurricane City to support the event
- Agreements are in place, or will be in place with SITLA and the BLM
- Portions of the race has been moved to mitigate the dust, and other traffic creates greater amount of dust
- The area has been used mostly for camping, with not much sign of grazing; also, it is situated away from major watering holes
- Appears to be compliant with the General Plan of Washington County
- Agrees to provide liability to the county
- Trails to be constructed to minimize impact
- They either are or will be in compliance with NEPA (National Environmental Policy Act) and the SCHPO (State Historic Preservation Officers)
- Does not reasonably interfere with lawful use of property or grazing rights
- Teams limited to restrict size of the impact on environment
- Controlled access for ranchers and others who need access
- Race is limited to one 24-hour period

Motion was made by Commissioner Balen to recommend approval for an endurance mountain bike racing "Frog Hollow Event" on Branham Ranch Road, based on findings of fact and based on applicant providing insurance and providing a copy of the environmental statement; subject to review in one (1) year. Commissioner Cropper seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Commissioner Wilson left at 2:32 p.m.

Item #4. PUBLIC HEARING. Open hearing for Washington County Resource Management Plan, part of the Washington County General Plan County initiated.

The planner explained that staff is still reviewing advertising requirements in the Utah State Code 17-27.a-203, Notice of intent to prepare a general plan or comprehensive general plan

amendments in certain counties, so the Public Hearing and Ordinance Amendment will need to be tabled, with no action taken at today's meeting.

Motion was made by Commissioner Jones to table the Public Hearing. Commissioner Cropper seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #5. ORDINANCE AMENDMENT. Consider an approval on an amendment to the Washington County General Plan by adopting the Resource Management Plan portion of the General Plan. County initiated.

Since this item may not be considered at this time, Public Works staff (Senior Planner) will still take comments on the draft provided for the commissions review. John Willie has presented all the materials on the Resource Management Plan for the public lands portion and reviewed the background, history, wilderness characteristics, legal aspects and portions of the draft that are complete.

Motion was made by Commissioner Cropper to table the Public Hearing. Commissioner Ford seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Commissioner Wilson returned at 2:37 p.m.

Motion was made by Commissioner Everett to adjourn the Special Meeting, to begin the Work Meeting. Commissioner Cropper seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item. #6. WORK MEETING:

Item #7. DISCUSSION ITEM / ORDINANCE AMENDMENT. Review and update on previous recommendations on Land Use Ordinance amendment regarding Section 10-9-1: Planned Development (PD) zone. County initiated.

The planner explained that this PD Ordinance Amendment was recommended for approval by the planning commission and the county commission tabled the consideration of approval. The county commission would like a review of the densities and maybe tighten up on the concessions allowed. This PD ordinance was adopted by the City of Santa Clara and Commissioner Drake has witnessed some high densities allowed that should have not been considered. The changes were made to the document as recommended by the planning commission. Mr. Willie advised that the commission should pay particular attention to 10-9-1: General Purpose and Description, as it is the heart of the whole section. It intends to give the developer some flexibility and the land use authority some flexibility in what they will approve.

Item #8. DISCUSSION ITEM. Review and recommend implementation of pending Land Use Ordinance adoption Wind Energy Systems and Facilities to establish minimum requirements and regulations on such systems. County initiated.

The planner reminded the commission of previous reviews of a wind energy ordinance and the county commission has a concern that we will have a proliferation of individual units for personal

use. The county commission would like the planning commission to review several of the other county's ordinances where these systems have been permitted, such as Beaver and Millard, noting that you have already looked at Iron County ordinance. The county will be adopting a wind energy ordinance, whereas, there is more interest and tax incentives in developing "green energy resources", as the county population grows and develops. To allow for time to review and approve new guidelines, those who are developing currently will need to be put on notice that development will need to adhere to the proposed Wind Energy Ordinance for private or commercial (industrial) use. Thus, the chairman will make a statement at the next regularly scheduled meeting announcing the intent to implement the ordinance.

The chairman indicated he wanted to see the revisions made previously to the Iron County Ordinance and felt the commission should continue working from that prospective.

Item #9. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on August 18, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager; Tina Esplin, Washington County Water Conservancy District; and Randy Taylor, Department of Environmental Quality.

Excused: Ron Whitehead, Public Works Director; Rachelle Ehlert, Deputy Civil Attorney; and Robert Beers, Southwest Utah Public Health Department

There was no action items reviewed.

Item #10. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated. (a) Conditional use extension on an extension to the height limitations for an 80' 3-leg tower at the Brookside Fire Station for the Northwestern Special Service District...Steve Haluska, agent; (b) Conditional use extension to the height limitations for a 64' Wind Turbine within the A-20 zone for Ag. purposes near New Harmony...Gerald Whipple/Solar Unlimited Energy & Homes, Inc., agent; (c) Ordinance amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 9, PD Planned Development Zone...County initiated; (d) Amendments to the Washington County Standard Specifications For Design and Construction as a part of the Washington County Code approved by Resolution/Ordinance...Public Works Department initiated; and (e) Ordinance amendment to Title 11, Chapter 5, Section 11-5-3.C, L, O, & P: Street Improvements; Section 11-5-4.F.1 & 4, G:1: Fire Flow And Line Size Standards: Guarantee Of Improvements, Section 11-7-1: Method of Guarantee: D. Release of Guarantee: & G. Retention...County initiated.

The planner reported that these items were approved by the County Commission, based on recommendation by the Planning Commission.

Item #11. COMMISSION & STAFF REPORTS. General reporting on various topics - County initiated.

- Scheduled wind farm field trip - Tuesday, September 22, 2009 @ 7:00 am.

There being no further business at 3:13 p.m., Chairman Stucki adjourned the meeting.

Deon Goheen, Planner